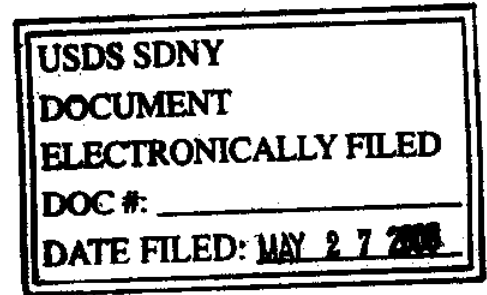




THE CITY OF NEW YORK
LAW DEPARTMENT
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May 21, 2008

BY HAND

Honorable Paul A. Crotty
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Brown-Bezear v. City of New York, et al., 07 CV 6675 (PAC)

Dear Judge Crotty:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, counsel for defendants City of New York, Raymond Kelly, and Martin Horn in the above-referenced action brought pursuant to 42 U.S.C. § 1983. Defendants respectfully requests that the time to respond to the amended complaint be extended by an additional twenty-one days from the current due date of May 27, 2008, to June 17, 2008.

As the Court may recall, during the April 16, 2008 status conference, plaintiff's counsel indicated that he wished to file and serve an amended complaint, principally for the purpose of adding five new individual defendants to this case. At that time, because of the number of new defendants involved and the need to address representational issues as to each of the new individual defendants,¹ I requested and received the Court's permission to respond on behalf of all defendants whom this office would be representing at the same time, within 30 days after the last of the new defendants to be served had been served. On that basis, as the last such defendant was served on April 25, 2008, the response of all defendants is currently due on or before May 27, 2008.

¹ As the Court is aware, once the individual defendants have been served, pursuant to Section 50-k of the New York General Municipal Law, the Corporation Counsel's office must determine, based on a review of the facts of the case, whether we may represent them. See Mercurio v. City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985).

MEMO ENDORSED

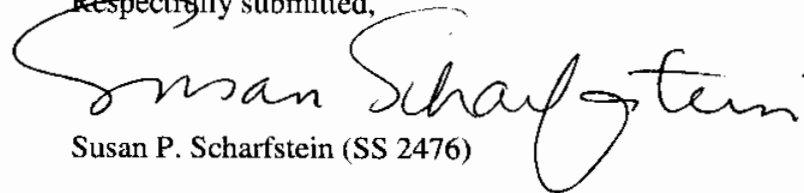
MEMO ENDORSED

However, in the interim, the parties agreed to focus their efforts on settling this matter so that neither side would incur unnecessary expense in litigating the case. As a result, counsel have spoken several times, and have made progress in settlement discussions to date. We anticipate that additional progress can be made. However, I recently have been unable to reach plaintiff's counsel by telephone, and I believe that he may be unavailable because of other work commitments. Accordingly, defendants request an additional enlargement of twenty-one days in which to respond to the amended complaint on behalf of all defendants. This extension, if granted, will allow the parties to determine whether further progress can be made in settlement discussions and will allow me time in which to obtain the authorization of all of the individual defendants to represent them in this action and to respond on their behalf. If the Court grants this request, defendants do not believe that it will be necessary to adjourn any other dates set forth in the Revised Civil Case Management Plan and Scheduling Order that was "So Ordered" by the Court on April 22, 2008. Defendants anticipate that the parties will have ample time in which to schedule depositions and complete other remaining items of discovery within the schedule that is presently in place. The parties also can report to the Court on the progress of settlement of this matter and other matters at the conference now set for June 25, 2008, at 3:00 p.m. For these reasons, we do not believe that there will be unnecessary delay if the Court grants this request.


I have left several messages for plaintiff's counsel over approximately the last week, and have been unable to reach him to discuss his consent to this request. However, he had previously indicated that he would be amenable to consenting to a brief adjournment of the date for defendants to respond to the allegations of the amended complaint so that the parties could focus their efforts of an informal resolution of this matter without incurring additional expense. Accordingly, we respectfully request that all defendants' time to answer or otherwise respond to the amended complaint be extended to June 17, 2008.

Thank you for your consideration herein.

Respectfully submitted,


Susan P. Scharfstein (SS 2476)

cc: Michael P. Kushner, Esq.
Attorney for Plaintiff
350 Fifth Avenue, 68th Floor
New York, NY 10118
(by hand)

SO ORDERED: MAY 27 2008

HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE